

REMARKS

The Examiner requires restriction between the following claims under 35 USC §§ 121 and 372:

Group I, claims 1- 11 and 15 – 29 drawn to a suspension concentrate and suspoemulsion formulation comprising a herbicidally effective amount of mesotrione.

Group II, claims 12-14 and 30 - 32, drawn to a method for controlling undesired plant growth of crops of useful plants.

Applicants are required to elect one group for examination even if with traverse. Applicants hereby elect to prosecute the invention of group I, claims 1 – 11 and 15 - 29, with right of traverse,

Applicants here traverse the requirement for restriction in that the invention primarily lies in the novel combination of mesotrione having an average particle size of less than 1 micron and a dispersing agent. Applicants contend that a reasonable search could go to related methods of use. Accordingly, the Examiner is respectfully requested to reconsider the requirement for restriction and withdrawal of the same. Additionally, the current guidelines on restriction practice recommend the examination of different sets of claims when such examination would not be unduly burdensome or prolonged. It is contended that this guideline would apply to the instant set of claims.

Applicants maintain that they have made a complete response to the restriction requirement of the Examiner and that the instant application and claims are now in condition for examination on their merits and for allowance. A Notice of Allowance is respectfully solicited.

Respectfully submitted,

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